

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**May 18, 2006**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on Thursday, May 18, 2006 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Pro Tem Price called the meeting to order, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Glenn Brewer, Larry Dell, Paul Oddo, Jr., and Walt White. Mayor Steele was out of town on city business. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

White moved to approve the minutes of the Regular Council Meeting of May 4, 2006. Brewer seconded the motion.

For Motion: White, Brewer, Oddo

Abstained: Dell

Motion carried.

**Public Hearings:**

Mayor Pro Tem Price called Public Hearing on Beer and Wine License for Partners Pizza II of Fayetteville located 834 South Glynn Street Suite 228 for John R. Rourke, Jr.

Dell moved to approve Beer and Wine License for Partners Pizza II of Fayetteville located 834 South Glynn Street Suite 228 for John R. Rourke, Jr. Brewer seconded the motion. The motion carried unanimously.

Mayor Pro Tem Price called Public Hearing on Proposed Ordinance #0-7-06 – Amendment to Parade Ordinance.

Steve Heaton, Police Chief stated, due to the number of requests for parades and other events which require an increase of services from the police department as well as other departments within the city, we have reviewed the current parade ordinance and have recommended several changes to the ordinance to cover routes and fees. In the request, please note that staff is recommending that the fee schedule and the parade routes be adopted by Resolution.

There were no public comments.

Mayor Pro Tem Price advised this ordinance would come up for a vote at the June 1, 2006 meeting.

Mayor Pro Tem Price stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Pro Tem Price asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

Mayor Pro Tem Price and all Council Members responded no.

Mayor Pro Tem Price asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

Mayor Pro Tem Price and all Council Members responded no.

Mayor Pro Tem Price asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Judy Stephens, City Clerk, responded that no disclosure reports had been filed.

Mayor Pro Tem Price stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Pro Tem Price requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Pro Tem Price stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Mayor Pro Tem Price called Public Hearing and 1<sup>st</sup> Reading on Proposed Ordinance #0-8-06 – Rezoning Request from Cam Williams to rezone 7.11 acres from C-3 Highway Commercial to O&I Office & Institutional, property located in Land lot 125 of the 5<sup>th</sup> District along Highway 54 West and Brandywine Blvd Extension.

Eldridge Gunn, Director of Planning and Zoning stated the applicant is requesting to rezone from C-3 to O&I so that two 31,000 square office buildings can be constructed for mixed office and retail use. The site is located on 7 acres behind the Southern Community Bank office building and the Brandywine Corners Retail Center. It is the second phase of development in this area and will have a shared drive with the aforementioned properties. The proposed structures will also be similar in construction to the Southern Community Bank Building.

The proposed buildings will front onto Brandywine Boulevard extension and will be served by a shared retention pond on the rear of the property. Vehicular circulation will allow cross access between the two buildings and landscaping will provide a thirty foot buffer between the buildings and adjacent residential properties. Total greenspace provided onsite will be 42%.

The proposed development consists of the construction of two mixed-use retail and medical office buildings; each 31,000 sq. ft. Both buildings will front onto Brandywine Boulevard. A retention pond serving both buildings will be located on the rear of the site.

The property south of the site is zoned Office & Institutional; across the street and west of the property is zoned C-3; north of the property is zoned residential, RMF-15, and south of the property is zoned C-3.

The Future Land-Use map calls for office development at the proposed site.

As a part of the applicant's rezoning request, Staff conducted a rezoning assessment and recommends approval of the zoning request because the request is consistent with the City's Future Land Use map.

There were no public comments.

Mayor Pro Tem Price stated this item would come up for a vote at the June 1, 2006 meeting.

Mayor Pro Tem Price called Public Hearing and 1<sup>st</sup> Reading on Proposed Ordinance #0-9-06 – Rezoning Request from Asa Candler to rezone 4.664 acres, from R-30 to C-1, property located at 600 Highway 54 West.

Eldridge Gunn, Director of Planning and Zoning stated, the applicant's request is to rezone an approximately 5 acre site located at the corner of Lanier Avenue (Hwy. 54) and Grady Avenue from R-30 Single-Family Residential to C-1 Downtown Commercial for the construction of a mixed-use office and retail campus. The future land use plan calls for office use.

The proposed development for the site is six buildings totaling nearly sixty thousand square feet (57,186) of both office and retail use. Ingress/egress to the property will be off both Hwy 54 and Grady Avenue. The proposal includes the construction of two retail buildings; one 14,000 sq. ft. and the other 11,250 sq. ft. Both of these buildings will front onto State Hwy 54. Also, there will be twin office buildings measuring 6,000 sq. ft. each fronting onto Grady Avenue. And lastly, two 2-story 9,968 sq. ft. buildings will be constructed on the rear of the property.

The applicant's concept plan gives the impression that the retail use is the predominate use on site because of its high visibility along Hwy. 54 and because the individual sizes of the two retail buildings are larger than the individual sizes of the four smaller office buildings. However, the combined square footage of proposed office use is actually more than the combined square footage that is proposed for retail space. The square footage for retail is 44% (25,250) of the total square footage of all six buildings and the square footage proposed for office use is 56% (31,936).

Two design schemes are used for the proposed buildings. The architecture of the retail buildings is compatible with the type of buildings sought within the Main Street Architectural Overlay. But although the color scheme and materials in the office building elevations match the elevations for the retail buildings, the design of the office buildings is more suburban than downtown. If the rezoning is approved then the elevations would be addressed in detail during the development plan approval process.

The applicant is also requested three variances. The first variance was for reducing the required 500 foot distance between curb cuts to 364 feet. That would allow them to place their access on Highway 54 closer to the Hwy.54/Grady Avenue intersection. However the Planning & Zoning Commission does not have the authority to grant a variance for this so this would have to be considered by City Council.

The second variance was for a reduction of parking spaces from 5 spaces per every 1,000 square feet to 4 spaces every 1,000 square feet. This would allow for more impervious surface throughout the site.

And the third variance was for reducing the highway corridor buffer setback from 50 feet to 20 feet. This would allow them to bring the buildings that front onto Hwy. 54 closer to the right-of-way. The Planning & Zoning Commission approved both the second and third variance requests at the April 25<sup>th</sup> meeting.

The zoning ordinance designates the Office-Institutional (OI) zoning district for that purpose. Therefore, the applicant's proposal is inconsistent with the Future Land Use Map. The Office-Institutional zoning district allows limited commercial uses, but the applicant chose to seek the C-1 zoning district to be allowed commercial uses beyond those that are allowed in the OI zoning district.

The property is within the Main Street Architectural Overlay district and within the State Highway/Jimmie Mayfield Corridor Overlay District. The Main Street District encourages the mixed-uses found in the C-1 zoning district. The C-1 Downtown Commercial zoning district is intended to be the mixed-use, pedestrian oriented, central business district of the City of Fayetteville.

The OI zoning district is compatible with the area and is also consistent with the OI Future Land Use Map designation. However, in consideration of the site's proximity to the heart of downtown and its inclusion in the Main Street district, a downtown mixed use designation on the Future Land Use Map may be just as appropriate. The C-1 zoning designation would then be the most consistent underlying zoning.

There is no overwhelming compelling reason for or against the applicant's proposed rezoning. Also, the applicant's requested change to C-1 would not be detrimental to the surrounding uses in the area. But to preserve the goal of staff to only recommend uses contrary to the Future Land Use Map in rare cases where there is strong evidence of a needed change on the map, staff supports the Future Land Use Map designating OI. If C-1 zoning is also deemed just as appropriate in this area as OI zoning, staff recommends the Planning & Zoning Commission add a recommendation to City Council to consider changing the Future Land Use Map (FLUM) in this area to Downtown Mixed Use so that both the applicant's C-1 request and the FLUM are consistent with each other.

The 5.2 acre tract is located at the corner of Hwy. 54 and Grady Avenue. The proposed development consists of the construction of two retail buildings; one 14,000 sq. ft. and the other 11,250 sq. ft. Both buildings will front State Hwy 54. Also, there will be twin office buildings measuring 6,000 sq. ft. each fronting onto Grady Avenue. Two 2-story 9,968 sq. ft. buildings will be constructed on the rear of the property. A detention pond serving both the retail and office sites are planned near the center of the site.

The property south of the site is zoned OI Office & Institutional; the abutting property to the east is C-2 Community Commercial; across the street and north of the property is a planned community development (PCD); and across the street west of the property is zoned C-3 on the corner of Grady and 54 and zoned M-1 immediately behind that lot.

The Future Land-Use map calls for office development at the proposed site.

As a part of the applicant's rezoning request, Staff conducted a rezoning assessment. Staff recommends denial of the zoning request because the request is not consistent with the City's Future Land Use map.

Asa Candler appeared before council to answer questions anyone might have.

There were no Public comments.

Mayor Pro Tem Price advised this item would come up for a vote at the June 1, 2006 meeting.

Mayor Pro Tem Price called Public Hearing and 1<sup>st</sup> Reading on Proposed Ordinance #0-10-06 – Amendment to City of Fayetteville Zoning Ordinance (Sec. 94-164) Medical Office Zoning District.

Eldridge Gunn, Director of Planning and Zoning stated Currently, the City's zoning ordinance addresses the number of vehicular access within the Medical Office (MO) zoning district and states that in addition to the primary access, "Secondary means for vehicular ingress and egress to and from the MO district shall also be provided." Also, there is a requirement that access points shall be limited to one curb cut every 500 feet. But in some instances, to meet both requirements may result in a practical difficulty or unnecessary hardship. In those instances, the Planning & Zoning Commission currently does not have the authority to address it through a variance as in the cases of height and size of structures, buffers, yard requirements, parking, etc. The proposed amendment to the MO zoning district would, under certain conditions, allow the Planning & Zoning to authorize a variance from the secondary road provision requirement.

The proposed amendment is to add language that will give the Planning and Zoning Commission the authority to grant variances from the required secondary access within MO districts. The MO district would be amended by adding the double-underlined language as follows:

- (2) Secondary means for vehicular ingress and egress to and from the MO district shall also be provided, unless the Planning and Zoning Commission finds the required secondary access creates the conditions stated at 94-12(a)(3)(a-f) on the property required to maintain a secondary access in the MO zoning district. With such a finding, the Planning and Zoning Commission may authorize a variance from the secondary vehicle access requirement. The Planning and Zoning Commission may place any condition on such variance which will aid in the traffic flow, safety and general welfare on the property. Traffic control devices shall be installed at all secondary entrances.

The criteria for granting variances would not change. This change would just give the Commission the ability to review the necessity of a second entrance in particular cases within the Medical/Office zoning district.

Staff recommends approval.

At the April 25<sup>th</sup> meeting, the Planning and Zoning Commission recommended approval of the proposed amendment.

There were no Public comments.

Mayor Pro Tem Price advised this items would come up for a vote at the June 1, 2006 meeting.

**New Business:**

Resolution R-6-06 – Parade Routes and Fees to Mayor and Council.

White moved to table Resolution R-6-06 Parade Routes and Fees until the June 1, 2006 meeting. Dell seconded the motion. The motion carried unanimously.

Dell moved to adjourn the meeting. White seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Judy Stephens, City Clerk